

ADDENDUM TO FACT SHEET
Permit No. WA-003212-3
BNSF Railway Company

This is an addendum to the fact sheet accompanying NPDES Permit No. WA-003212-3, which was issued to BNSF Railway Company on May 4, 2006. The following revision is made to increase the stringency of some of the permit conditions, and allow flexibility to the Permittee to choose between two approved chitosan products for use.

DESCRIPTION OF MODIFICATION TO THE PERMIT

Special Condition S1.B, page 5, third paragraph: The sentence will be changed to read “Visible track-out on public roads is prohibited.”

Special Condition S1.I, Compliance With Standards, will be added to the permit which reads as follows:

I. Compliance With Standards

The Permittee shall comply with State of Washington Surface Water Quality Standards (Chapter 173-201A WAC), Sediment Management Standards (Chapter 173-204 WAC), Ground Water Quality Standards (Chapter 173-200 WAC), and human health-based criteria in the National Toxics Rule (Federal Register, Vol. 57, No. 246, December 22, 1992, pages 60848-60923).

When not in compliance with these standards, the Permittee shall take immediate action(s) to achieve compliance by implementing additional best management practices (BMPs) and/or improved compliance with existing BMPs and file a noncompliance notification as required under Condition S3.E.

Facilities that discharge either directly or indirectly by means of a stormwater conveyance system to waters listed as impaired by the State under Section 303(d) of the Clean Water Act must comply with the State’s Surface Water Quality Standards.

The entire section of Special Condition S3.E, Twenty-four Hour Notice of Noncompliance Reporting, on page 10, will be changed to read as follows:

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncomplying discharges immediately and submit the results to the Department within five (5) days after becoming aware of the violation.

2. Immediately notify the Department of the failure to comply.
3. Submit a detailed, written report to the Department within five (5) days. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or any resulting liability for failure to comply.

The entire section of Special Condition S5, Chitosan Dosage Rate and Operation, on page 15, will be replaced with the following language:

S5. Chitosan Dosage Rate and Operation

The Department has approved two chemical flocculant products: Liqui-Floc chitosan enhanced sand filtration produced by Natural Site Solutions, and Floc-Clear chitosan enhanced sand filtration produced by Clear Creek Systems, Inc. The Permittee is required to follow the Maintenance of Safety Margin (dosage rate) and Safety Margin Checklist as listed in Appendix I and II of the permit, for whichever approved product the Permittee chooses to use.

Both products contain different weight percentages of chitosan acetate. The dosage rate and the safety margin checklists for each product as referenced-above are not the same. Chitosan acetate can be employed to effectively treat stormwater turbidity up to 600 NTU without using chitosan acetate concentrations above 1.06 mg/L. Application at concentrations in excess of this level may result in toxicity in the effluent.

Special Condition S9, Stormwater Pollution Prevention Plan (SWPPP for Individual Cleanup Zone Construction Activities): The words “or discharge” have been removed from the end of the second sentence. Thus, it reads as follows “The Permittee shall submit the SWPPP to the Department at least thirty (30) days prior to the start of construction.”

PUBLIC NOTICES

The changes made in this permit are considered to constitute a minor modification under 40 CFR Part 122.63. Thus, the changes made in the above-referenced permit are not required to be published for a 30-day public review and comment period.